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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/976,830	10/13/2001	Sanjay Odak	1006.F-5490 CIP I	2316

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04/28/2003

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EXAMINER
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KIM, SUN U

ART UNIT	PAPER NUMBER
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1723

DATE MAILED: 04/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/976,830	<b>Applicant(s)</b> ODAK ET AL.	
	<b>Examiner</b> John Kim	<b>Art Unit</b> 1723	

-- **Th MAILING DATE of this communication app ars on the cover sheet with th correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 October 2001.
- 2a) ☐ This action is **FINAL**.
- 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 11 and 16 is/are rejected.
- 7) ☒ Claim(s) 2-10, 12-15 and 17-20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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1. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered 2<sup>nd</sup> claim 13 and 14-19 have been renumbered 14 and 15-20 respectively.

2. Claim 14 is objected to because of the following informalities: "fear" on line 7 should be corrected to "far". Appropriate correction is required.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 16 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Recitations of "the frame" on line 19 and "the blood separation station" on line 24-25 lack positive antecedent basis.

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,525,218 (hereinafter referred to as Williamson, IV et al '218). Williamson, IV et al '218 teach a blood separation assembly comprising a rotatable frame i.e. yoke (50, 62, 104) having walls that define an open interior space, a drive shaft (54) coupled to the frame, a rotor (52)

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carried by the frame and a blood processing chamber (22) secured to the rotor (52) and comprising a base including formed walls that define a separation channel, an umbilicus having a far end region coupled at non-rotating junction with a mount (84), a mount (78) aligned with the rotational axis outside the frame for holding the near end region of the umbilicus in a non-rotating and stationary position, first umbilical support surface (82, 106) on frame (104) that engages the mid region of the umbilicus bowed outside the rotational axis between the near and far regions and a second umbilical support surface (80, 106) on the frame (104) spaced from the first umbilicus support surface (82, 106) in a direction toward the mount (78) and engaging umbilicus (76) and guiding the near end region of the umbilicus toward the mount (78), the first and second umbilicus support surfaces (80, 82, 106) imparting rotation to the mid portion of the umbilicus in response to the rotation of the frame about the rotational axis and the rotation of the umbilicus imparting rotation to the blood processing chamber (22) (see figures 2-9, 11-13, 15, 19-22, 25-32; col. 5, line 53 – col. 8, line 3; col. 14, line 58 – col. 16, line 14).

7. Claim 16 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

8. Claims 2-10, 12-15 and 17-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. The following is a statement of reasons for the indication of allowable subject matter:

None of the prior art teaches or suggests the blood processing system of claim 16 comprising a latching assembly to releasably engage the centrifugal blood processing chamber for rotation with a rotor, a pocket formed adjacent the centrifugal separation station outside the yoke defining

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a mount aligned with the rotational axis for releasably holding the near end region of the umbilicus in a non-rotating and stationary position at a location opposite to the far end region, the mid region of the umbilicus bowed outside the rotational axis between the near and far end regions, the pocket including a holder to releasably receive the fixture when the near end region of the umbilicus is loaded into the mount, the holder locating a component collection tube in association with an optical sensing assembly mounted on the yoke and at least one umbilicus support surface on the yoke that engages the bowed mid region of the umbilicus, the support surfaces imparting rotation to the mid portion of the umbilicus in response to the rotation of the yoke about the rotational axis and the rotation of the umbilicus imparting rotation to the blood processing chamber secured to the rotor.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Kim whose telephone number is (703) 308-2350. The examiner can normally be reached on weekdays from 7:00 AM - 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda Walker, can be reached on (703) 308-0457. The fax phone number for official response after final action is (703) 872-9311, and the fax phone number for all other official faxes is (703) 872-9310.

When sending a draft amendment by fax, please mark the paper as "DRAFT"; otherwise, mark the paper "OFFICIAL". This will expedite the processing of the paper.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0651.

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**John Kim**  
**Primary Examiner**  
**Art Unit 1723**

J. Kim

April 23, 2003